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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 3 November 2008 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a report entitled "Promotion and protection of human rights in the Islamic Republic of Iran: a brief account of policies and practices" (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 64 (c).

(*Signed*) Mohammad **Khazaee**
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Annex to the letter dated 3 November 2008 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Promotion and protection of human rights in the Islamic Republic of Iran

A brief account of policies and practices

I. Introduction

Human rights are undeniably a central component of international affairs today and form one of the dominant paradigms of the world. The Islamic Republic of Iran, as a founding member of the United Nations, based on principles enshrined in its constitution and in full compliance with its international commitments, has continuously put great efforts into safeguarding the status and inherent dignity of human person and the promotion and protection of human rights and fundamental freedoms.

It is the view of the Islamic Republic of Iran that the concepts, values, objectives and norms which constitute human rights represent the noblest concerns of humanity in its totality. The human right's policy of the Islamic Republic of Iran, emanating from its national and regional particularities as well as its cultural, historical and religious backgrounds, has continuously emphasized the significance of interactive and cooperative approach in progress towards fulfilment of the human rights obligations that countries are committed to.

To that end, the Islamic Republic of Iran is firmly determined to utilize its potential and capacity to the maximum extent in order to achieve the full realization of human rights. Iran's commitment to promotion and protection of human rights is inherent, genuine and deeply rooted in the people's beliefs and values. It is intertwined with nation's hopes for a brighter, happier, more prosperous and saner future.

II. Legal and constitutional framework for the promotion and protection of human rights in the Islamic Republic of Iran

1. Basic human rights enshrined in the Constitution

The following are some of the constitutional guaranties for the basic human rights:

Article 19: All people of Iran, to whichever ethnic group or tribe they belong, enjoy equal rights, and colour, race, language and the like do not bestow any privilege.

Article 20: All citizens of the country, both men and women, enjoy equal protection under the law and enjoy all human, political, economic, social and cultural rights in conformity with Islamic criteria.

Article 22: The dignity, life, property, rights, residence and employment of the individual are inviolable, except in cases specified by law.

Article 23: The investigation of the beliefs of individuals' is forbidden, and no one may be molested or taken to task simply for holding a certain belief.

Article 24: Publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. The details of this exception are specified by law.

Article 25: The inspection of letters and the failure to deliver them, the recording and disclosure of telephone conversations, the disclosure of telegraphic and telex communications, the censorship or the wilful failure to transmit them, eavesdropping and all forms of covert investigation are forbidden, except as provided by law.

Article 26 of Iran's Constitution allows formation of parties, societies, political or professional associations and Islamic and other religious societies of recognized minorities. The law on activities of parties and political groups was approved in Iran in 1981 by the Islamic Consultative Assembly (Majlis) but its enforcement was postponed until 1989.

Article 30: The Government must provide all citizens with free education up to secondary school, and must expand free higher education to the extent required by the country for attaining self-sufficiency.

Article 32: No one may be arrested except by the order and in accordance with the procedure laid down by law. In case of arrest, charges, with the reasons for accusation, must be communicated and explained to the accused, in writing, without delay, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of 24 hours so that the preliminaries to the trial can be completed as swiftly as possible. The violation of this article will be liable to punishment in accordance with the law.

Article 33: No one can be banished from his place of residence, prevented from residing in the place of his choice or compelled to reside in a given locality, except in cases provided by law.

Article 35: Both parties to a lawsuit have the right in all courts of law to select an attorney, and if they are unable to do so arrangements must be made to provide them with legal counsel.

Article 37: Innocence is presumed, and no one is to be held guilty of a charge unless his or her guilt has been established by a competent court.

Article 38: All forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess or take an oath is not permissible, and any testimony, confession or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law.

Article 39: All affronts to the dignity and repute of persons arrested, detained, imprisoned or banished in accordance with the law, whatever form they may take, are forbidden and liable to punishment.

Article 169: No act or omission may be regarded as a crime with retrospective effect on the basis of a law framed subsequently.

2. Human rights in the administration of justice

2-1: Guarantees of due process

Rules and principles of the judicial system of the Islamic Republic of Iran are based on the principles of administration of justice, equally applicable to all individuals irrespective of their gender, religion or ethnicity. These principles include: the principle of fair and public hearing; the principle of legality of crime and punishment (*nulla poena sine lege* (no penalty without law) and *nullum crimen sine lege* (no crime without law)); the principle of the necessity of impartial investigation and fulfilment of rights by the judge; the principle of non-retroactive; and the principle of guiltlessness and equality in the enjoyment of rights.

2-2: Rule of law

According to article 32 of the Constitution, "No one may be arrested except by the order and in accordance with the procedure laid down by law. In case of arrest, charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of 24 hours so that the preliminaries to the trial can be completed as swiftly as possible. Any violation of this article will be liable to punishment in accordance with the law".

Furthermore, according to article 34 of the Constitution, it is the indisputable right of every citizen to seek justice by recourse to competent courts. All citizens have the right of access to such courts, and no one can be barred from courts to which he has a legal right of recourse.

Article 166 of the Constitution provides that the verdicts of courts must be well-reasoned and documented with reference to the articles and principles of the law in accordance with which they are delivered.

2-3: Independence of the Judiciary

According to article 156 of the Constitution, the Judiciary "Shall protect individual as well as social rights and shall be responsible for the administration of justice" and "Restoration of public rights and upholding of justice and legal freedoms".

Article 61 of the Constitution provides that: "Functions of the Judiciary are to be performed by courts of justice, which are to be formed in accordance with the Islamic principles, and are to be vested with the authority to examine and settle lawsuits, protect the rights of the public, dispense and administer justice".

Furthermore, article 156 states that, "The Judiciary is an independent power, the protector of the rights of the individual and society and responsible for the administration of justice".

2-4: Presumption of innocence

Article 37 of the Constitution stipulates that innocence is to be presumed, and no one is to be held guilty of a charge, unless his or her guilt has been established by a competent court.

2-5: Public trials

Based on article 165 of the Constitution, trials are to be held openly and members of the public may attend them without restriction, unless the court determines that an open trial would be detrimental to public morality and order or, if in case of private disputes, both parties request that it not be held openly.

2-6: Jury trial

Article 168 of the Constitution dictates that political and press offences will be tried openly and in the presence of a jury, in courts of justice. The manner of the selection of the jury, its powers, and the definition of political offences, will be determined by law, in accordance with Islamic criteria.

Jury trials have been convened to deal with a number of press offences, most notably those arising from claims of private citizens against the press charging the latter of malicious defamation.

2-7: Right to defence counsel

According to Article 35 of the Constitution, parties to any court proceeding have the right in all courts of law to select an attorney, and if they are unable to do so arrangements must be made to provide them with legal counsel. Furthermore, in January 1991 the Parliament of the Islamic Republic of Iran adopted a legislation which reads as follows:

Single article: The Parties to any court proceeding have the right to appoint an attorney and all courts, including Legal, Penal, Military, Special Courts for the Clergy and others, should take place in the presence of a defence counsel at all stages of the interrogation and court process.

2-8: Right to appeal

According to article 6 of the Law pertaining to the Revision of Court Verdicts and the Manner of Their Investigation, adopted on 6 October 1988, the defendant or his attorney or his legal deputy can, based on documentary evidence, request revision.

2-9: Habeas corpus

Article 124 of the Penal Adjudication Procedure Law states that: if an accused is kept under detention for more than 24 hours without being turned over to prosecutors and informed of his charges, his detention will be deemed as arbitrary. If law enforcement guards commit such an offence, they will be discharged from their posts. In addition, prosecutors and the examining magistrates may be dismissed from their posts for such an offence.

2-10: The necessity of the presence of lawyers at trials

According to article 35 of the Constitution, both sides in a judicial case have the right to choose lawyers for themselves, and if they cannot afford one, they must be provided with the means and facilities to get one.

2-11: Rights of detainees and the situation of solitary confinement

The Islamic Republic of Iran attaches great importance to the treatment of prisoners and providing them with suitable conditions in prisons. So far, a number of foreign and international delegations have visited and examined prisons in Iran.

The Executive Statute of the Organization of Prisons (ratified on 10 December 2005) includes wide range of rights for prisoners, such as their right to receive humane and non-discriminatory treatment, the right to benefit from rehabilitative programmes, the right to enjoy health and medical treatment facilities and so on.

Moreover, in order to develop and publicize the basics and standards of citizenship rights in prisons and detention houses while observing the standards of the Islamic and human rights laws, the "Office of Supporting the Citizenship Rights of Prisoners" has been established. This office is mandated to decrease the number of inmates and to ensure that criminals are better adjusted to society. This establishment is in line with the implementation of article 44 of the previously mentioned statute. Among other things, this office is duty bound to study and examine possible violations of citizenship rights in prisons and detention houses. Some of the practical mandates of the office are: admonishing the supervisory judges in prisons and judicial officials concerning the observance of law, preparation of pamphlets on the legal rights and obligations of the accused and convicts and constant and systemic cooperation with councils specializing in preserving citizenship rights and other human rights principles.

Concerning solitary cells, the Islamic Republic of Iran is one of the leading countries in converting these cells to group cells or enlarging them to suites. Although solitary confinement has not yet been completely eliminated throughout the world, Iran has successfully made efforts to reduce solitary confinement punishment from 1 month to 20 days according to paragraph 4 of article 175 of the statute of the Organization of Prisons (ratified on 10 December 2005). Based on article 24 of the Penal Code of the Islamic Republic of Iran, detention of the accused persons before they are informed of their charges is limited to 24 hours. After this period of time, the accused are handed over to the judiciary and are entitled to all their respective rights.

Training courses on human rights are frequently held in prisons so that the prison staff may become more informed and knowledgeable about the human rights of prisoners.

2-12: Sentence commuting and pardons

According to article 24 of the Islamic Punishment Law, "Pardon or commuting of the punishment of the condemned, subject to the limits set by the Islamic criteria, shall be at the suggestion of the Head of the Judiciary and discretion of the Leader of the Islamic Republic of Iran". Article 38 pertains to conditional release, the conditions of which have been specified; for example, where half of the sentence has been served. Article 25 of the Law relates to suspension of a punishment, which authorizes the court to suspend punishment for two to five years under prescribed conditions.

Article 3 of the regulations pertaining to the Amnesty and Pardon Committee, approved on 9 February 1991, provides that the court in charge of enforcing a

verdict or the National Organization for Prisons and Corrective Action may propose a pardon or commutation of punishment.

In the case of capital punishment, after a final verdict has been issued, if the person condemned to execution requests a pardon, then, at the suggestion of the court charged with enforcement of the verdict or of the National Organization for Prisons and Corrective Action, and pending the latter's decision, enforcement of the verdict will be postponed.

According to the rules of the State Judiciary system, there are two kinds of pardons: general and occasional. According to the above-mentioned regulations, convicts can be pardoned on various occasions (at least nine national and religious occasions) every year. In addition, the Head of the Judiciary can, whenever necessary, call upon the Committee to convene on other occasions as well.

2-13: Treatment of prisoners

Laws of the Islamic Republic of Iran are based on prohibition of any form of ill-treatment of individuals. This overriding principle has been accorded special attention in the Constitution. In order to ensure effective respect for this principle, not only has the Constitution provided for the punishment of those who ignore the prohibitions and commit acts of ill-treatment and torture, but provisions have also been made for the legal protection of the victims of mistreatment. Furthermore, confession extracted through torture is invalid.

Article 38 of the Constitution states that: "All forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess or to take an oath is not permissible; and any testimony, confession or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law".

On the punishment of the violators of the above-mentioned law, article 58 of the Islamic Punishment Law, stipulates that: "If any judicial or non-judicial employee or official of the Government subjects an accused to bodily harm for the purpose of extracting confession, or issues an order in this regard, the said official or employee will be sentenced to imprisonment from six months to three years. If the accused dies due to mistreatment or torture, the offender shall be liable to the punishment of a murderer or of someone who has ordered a murder". Furthermore, according to article 59 of the same law, "Any Government official or employee who subjects a convicted person to a more severe punishment than that covered by the verdict, or who orders such a punishment or who otherwise imposes a penalty not covered by the verdict, will be sentenced to the punishment prescribed in the said article".

2-14: Respect for the legitimate freedoms and protection of the rights of citizens' act

The "Respect for the legitimate freedoms and protection of the rights of citizens" act consists of 15 points concerning human dignity and values. It is noteworthy that the above-mentioned act was previously a constitution-based directive which was later adopted as a law by the Parliament.

III. Civil and political rights

The Islamic Republic of Iran has provided for many laws in order to promote the political and civil rights in the country and has taken practical steps to implement them. Some of the various mechanisms developed for promoting of such rights are set out below.

A. Freedom of press and expression

Article 24 of the Constitution ensures freedom of expression and press, except when it is detrimental to the rights of the public or against Islamic principles. Article 168 of the Constitution on the freedom of the press provides for jury trials in cases of press offence.

In compliance with article 24 of the Constitution, the Press Law was adopted on 12 March 1986. This Law consists of six chapters concerning the definition, mission, rights and limitation of the press, the qualifications of the applicant, the stages of issuing of a publication license and press offence. In paragraph C of the said law it is clearly stated that efforts to remove false and divisive boundaries and to refrain from setting various strata of the society against one another, such as factionalism on the basis of race, language, customs, or local traditions, are among the objectives of the press.

Furthermore, according to article 34 of the said Law, offences committed by the press will be investigated by a competent court in the presence of a jury.

Recent statistics show that presently more than 2,050 weekly, monthly, quarterly, biyearly and yearly publications on a variety of subjects ranging from current affairs to special interests and hobbies and 650 newspapers are published locally in the country. Most foreign publications are sold across the country and are also available in various libraries. Various ideas and political tendencies are represented in the domestic publications, which engage in lively and at times heated debates over different aspects of national policy.

B. Freedom of assembly and association

By virtue of articles 26 and 27 of the Constitution, all Iranian citizens enjoy the fundamental right to peaceful assembly. Article 26 states that: "The formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities, is permitted, provided that they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the foundation of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate in them". Article 27 of the Constitution provides that "Public gatherings and demonstrations may be freely held, provided that arms are not carried, and that they are not detrimental to the fundamental principles of Islam".

C. Political parties

In order to achieve the objectives contained in the above articles, the Law Pertaining to Activities of Parties, Societies, Political and Professional Associations

as well as Islamic and Recognized Religious Minorities Societies was adopted on 29 August 1981. Several articles of the said law are as follows:

Political parties, societies and groupings and the like, are defined as organizations which have specific objectives and constitutions and which are established by a group of real persons who believe in definite ideals and policies and the behaviour of which are, in one way or other, concerned with the principles of administration and the policies of the Islamic Republic of Iran.

According to article 10 of the Parties Law, a commission comprising of representatives of the State Prosecutor General, political-judicial council, the Interior Ministry and two Majlis deputies are delegated with the responsibility of issuing operation permits for parties and supervising over them. The membership period in the commission is two years.

In cases of press offence, the Executive Regulations of the Press Law, adopted by the Council of Ministers on 28 January 1987, provides that the Ministry of Islamic Guidance is responsible for preparing grounds for the appointment of members of a jury and that, from that time forward, after the formation of the jury, press offences were to be investigated in public courts in the presence of a jury.

Article 6: Groups may freely engage in activities provided that they do not commit offences mentioned in article 16 of the Law.

Demonstrations without arms may freely be held with the prior notification of the Ministry of the Interior, provided that they are not detrimental to the principles of Islam; in addition, public gatherings may be freely held in public squares and parks after having obtained authorization from the above Ministry.

About 240 groups have so far been recognized as political groups and parties, and applications of other aspirants are being evaluated in accordance with the provisions of the above law. Other groups not yet recognized as official parties are engaged in social and political activities and freely disseminate their ideas and viewpoints in meetings and through the print media.

D. Trade unions

Article 2 of the law pertaining to activities of parties, societies, political and professional associations defines trade unions and covers the formation of trade guilds.

Furthermore, article 131 of the Labour Code provides that: "In compliance with section 26 of the Constitution of the Islamic Republic of Iran, and in order to protect the legitimate and statutory rights and interests of workers and employers and to improve their economic situation in a manner guaranteeing the protection of the interests of society as a whole, the workers subject to the Labour Code, and the employers of a given profession or industry, may establish guild societies". Note that one of the above articles states that, in order to coordinate the fulfilment of their assigned statutory functions, the guild societies may set up guild society centres in the provinces and a Supreme Council of Guild Societies at the national level.

A very active labour organization exists for the benefit of all workers and covers 1,450 manufacturing units throughout the country. It participates actively in national politics, nominating candidates for elected office.

IV. Economic, social and cultural rights

The Islamic Republic of Iran has made the utmost effort to provide for the economic, social and cultural rights of people in all walks of life in Iran and has designed and implemented four development plans based on national objectives and international commitments and is now in the middle of implementing the fifth. Considering the importance of promotion of the status of ethnic groups, religious minorities and other social groups, detailed information is given below in this regard.

A. Employment

In line with combating any form of discrimination in employment, article 6 of the labour law prohibits any discrimination based on colour, race or language. Iran signed International Labour Organization Convention No. 111 in 1964 and has submitted its reports to that organization on a regular basis. It must be mentioned that the respective committee monitoring the compliance of the States parties with the obligations arising thereof has never made mention of employment discrimination in Iran. Article 120 of the labour law of Iran envisages that those refugees who have work permits and visas should be able to work without facing prejudice or discrimination. The current procedures make no difference between them and Iranian nationals.

B. Health and medicine

The Government's efforts to improve health conditions in less developed regions of Iran have been accelerated in recent years. Concentration of various policies on health-related matters in chapter 25 of the third development plan of Iran, implementation of the nationwide initiative to grant health insurance to all the people in Iran, including villagers, the adoption of a policy of giving incentives and special facilities to physicians so that they would go and work in rural areas, the allocation of a special share in higher education institutions in medical majors for deprived regions and the supplying of the food needs of these people through subsidies, etc., are some of the measures and steps taken in order to fulfil the principle of non-discrimination in the area of health and medicine.

C. Education

The Ministry of Education and Organization of Literacy Movement of Iran have been very active in promoting literacy in Iran as a result of which the literacy rate has significantly increased in Iran, especially in provinces with ethnic groups.

D. Cultural activities

Paying attention to cultural and artistic needs and promotion of cultural activities is of utmost importance especially when one takes into account the rich and ancient cultural background of some of the ethnic groups in Iran. In chapter 21 of the third economic, social and cultural development plan of Iran, which deals with culture and arts, initiatives have been envisaged for this matter. Item 2 of paragraph "a" of article 155 of the said plan commits the Government to create cultural, art and sports centres and complexes in marginalized areas. Thanks to the efforts made by the ninth government of Iran, the number of sports centres has been doubled.

V. Situation of minorities

The Constitution of the Islamic Republic of Iran, the civil code and Government practice provide very broad freedoms for members of recognized religious minorities, including the applicability of their cannon laws to their personal and communal affairs and reserved seats in the Parliament.

Even national courts must abide by the respective cannon law in matters pertaining to recognized religious minorities. During a legal dispute between two civil court branches over two cases relating to Armenians, the General Bureau of the Supreme Council ruled that "in accordance with article 13 of the Constitution, courts shall abide by the practices of religious minority groups".

All recognized religious minorities enjoy equal civil, political, economic, social and cultural rights with Muslims. Article 26 of the Constitution states that "the people shall be free in the establishment of religious, political and professional parties, associations and Islamic societies or the societies of recognized religious minorities provided that association is not inimical to the principles of independence, liberty, sovereignty, national unity and the Islamic precepts and the foundation of the Islamic Republic. Individuals are free to participate in such groups. No one may be prevented or forced to participate in such groups".

Religious minorities have reserved seats in the Islamic Consultative Assembly (Parliament). Out of the total of 290 parliamentary representatives, five members are elected as follows: Zoroastrians and Jews, each one representative; Assyrian and Caledonian Christians: collectively one representative; and Armenian Christians in the north and the south: one representative each. It should be noted that seats reserved for recognized religious minorities are quite disproportionate to their overall population. Had minorities been Muslims, with their overall population of 213,600, they would have had the right to only 1.5 seats instead of the present five.

Even though minorities can enrol in regular schools, they also have their own private schools. In these schools, which are financially supported by the Ministry of Education, minorities learn their own languages and practice their own religions. Minorities may easily enter universities. In fact, Armenians have a department on the Armenian language at Isfahan University. The minority group's religion is no impediment to their employment in the Government.

Moreover, in addition to national holidays, minorities have their own religious holidays; for example, in the case of the Zoroastrian minority, in addition to other national holidays they enjoy five other special holidays.

Minorities have their own cultural programmes and sports clubs, although they may freely use public centres. In addition, their ancient monuments and religious and historical places are protected and funded by the Government.

VI. Rights of women

In accordance with article 3, paragraph 14, of the Constitution, the Government is bound to do its utmost towards, "Securing the multifarious rights of all citizens, both women and men, and providing legal protection for all, as well as ensuring the equality of all before the law". Furthermore, it is clearly stated in article 20 of the Constitution that: "All citizens of the country, both men and

women, equally enjoy the protection of the law and enjoy all civil, political, economic, social and cultural rights, in conformity with Islamic criteria".

Based on the conviction of the Islamic Republic, women should be held in high esteem and all their rights should be observed. Article 21 is devoted exclusively to guarantees for the protection of all aspects of women's rights. It stipulates that "The Government must ensure the rights of women in all respects, in conformity with Islamic criteria, and accomplish the following:

(a) The creation of a favourable environment for the growth of women's personalities and the restoration of their rights, both material and intellectual;

(b) The protection of mothers, particularly during pregnancy and childbearing, as well as the protection of children without guardians;

(c) The establishment of competent courts to protect and preserve the family;

(d) The provision of special insurance for widows, aged women and women without support.

VII. Rights of children

A Commission made up of university professors of law and criminology and senior judges of the Supreme Court has started working on a revision of the Comprehensive Child Delinquency Law. This measure is being taken to introduce new methods of arbitration and implementation, in keeping with the views of the United Nations and the United Nations Children's Fund (UNICEF) regarding children. Most of the law has already been revised and after finalizing the draft of the new Law, the Comprehensive Child Delinquency Law will be forwarded as a bill for the approval of the Parliament. In addition, the establishment of "the Office of Protection of Rights of Women and Children" in the Judiciary further enhances the protection and promotion of rights of victims and accused children, adolescents and women at all stages of the procedures.

On 14 May 2007, the Secretary-General's study on violence against children was launched by Professor Paulo Sergio Pinheiro, the independent expert for the Secretary-General's study, in Tehran. Professor Pinheiro presented the main findings of this important study. While in Iran, Professor Pinheiro also visited the Juvenile Correction and Education Centre affiliated to the Judiciary, where he expressed his admiration for the professional services being delivered; moreover, he also expressed his belief that the centre can be a base and a role model for South-South cooperation. It is worth mentioning that Madame Louise Arbour, the former United Nations High Commissioner for Human Rights, also visited the same centre on 3 September 2007 and praised measures taken at the centre.

Another important step taken for promotion and protection of rights of the child was the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 31 July 2007 by the Parliament of the Islamic Republic of Iran.

VIII. Human rights defenders

Activities in the area of promoting human rights are done by governmental and non-governmental entities.

At the governmental level, there are various centres located in the Ministry of Foreign Affairs, the Ministry of Interior, the Human Rights Council of the Judiciary, the Presidential Office for Women and Family, the Office of Supporting the Rights of Women and Children and provincial councils in charge of ensuring the fulfilment of citizenship rights. They have taken vast measures and have been highly active in defending the rights of the public and in promoting the frameworks and standards of human rights as well as in drafting the new and advanced standards of human rights.

There are also a number of fractions in the parliament, city councils, municipalities and non-governmental organizations active in the area of women, children and immigrants affairs, etc. which have had great records in improving and promoting human rights inside the country.

IX. National human rights institutions

A. Human Rights High Council

The Human Rights High Council was established in 2001. Some of the mandates of the Council are as follows:

(a) To examine and identify any possible legal impediments and judicial problems concerning the realization of human rights and to render executive solutions, in line with the laws of the Islamic Republic of Iran, through the formation of a commission comprised of learned and fully versed personalities in affiliation with the Judiciary and academicians;

(b) To submit report to the Head of Judiciary concerning the shortcomings, requirements and obstacles in the field of human rights and to recommend practicable and executable solutions for development and upholding of matters related to human rights issues;

(c) To maintain effective cooperation and coordination with other local organs involved in human rights issues, in order to adopt appropriate identical procedures;

(d) To take appropriate measures concerning other issues relevant to human rights, as referred to by the Head of Judiciary.

B. Central Supervisory Board for Preserving the Right of Citizenship

For the supervision of the sound implementation of the Law on Upholding Legitimate Liberties and Preserving the Rights of Citizenship, the "Central Supervisory Board" (subject matter of article 15 of this Act), comprising the members of the Council of Deputies of the Judiciary, has been formed.

X. Cooperation with the international human rights mechanisms

A. List of international human rights instruments to which the Islamic Republic of Iran is a party

The Islamic Republic of Iran is party to the following international instruments:

- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Rights of the Child;
- Convention on the Prevention and Punishment of the Crime of Genocide;
- International Convention on the Suppression and Punishment of the Crime of Apartheid;
- International Convention against Apartheid in Sports;
- Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;
- Convention relating to the Status of Refugees;
- Protocol to the Convention relating to the Status of Refugees;
- International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

B. Cooperation with special procedures

The Islamic Republic of Iran extended a general standing invitation to all thematic rapporteurs, working groups and independent experts of the Commission on Human Rights [now the Human Rights Council] in July 2002. The following mandate holders have visited Iran since then:

- Working Group on Arbitrary Detention (February 2003)
- Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (November 2004)
- Special Rapporteur on the human rights of migrants (February 2004)
- Special Rapporteur on violence against women (February 2005)
- Special Rapporteur on the right to adequate housing (March 2005)

It is worth mentioning that prior to the extension of general standing invitation, two visits by the previous special rapporteur on freedom of opinion and expression and the special rapporteur on freedom of religion or belief to Iran were facilitated.

Furthermore it merits highlighting that all respective communications of the special rapporteurs have been thoroughly responded to, their recommendations heeded and follow-up measures taken in a timely manner.

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

Mrs. Mary Robinson, the former United Nations High Commissioner for Human Rights, visited Iran on the occasion of the sixth meeting on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region in 1998 and the Asian preparatory meeting for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001, on the sideline of which different ways of enhancing international cooperation pertaining to the ongoing joint projects were discussed at meetings with officials of the Islamic Republic of Iran. It is to be reiterated that the above regional meeting successfully managed to adopt an important document, namely the "Tehran Framework", constituting the four-point general framework in Asia and the Pacific for promotion and protection of human rights in the region.

In recent years the Islamic Republic of Iran has engaged in bilateral and meaningful technical cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR). In this regard and based on the recommendations of an OHCHR needs-assessment mission in 1999, OHCHR explored four areas of possible cooperation: law enforcement; prisons and correctional institutions; city councils; and human rights education. Human rights education was finally selected as being best suited for a technical cooperation pilot project. However, OHCHR's financial constraints delayed the implementation of activities from 2003 to 2004. The long-term objective of the project was promotion of human rights education in Iranian schools and the integration of human rights programmes in institutions of higher education and university curricula and teaching materials, which can contribute to the promotion of international human rights in the country. Consequently, the following initiatives have been launched and accomplished in this regard:

- Submission of a comprehensive proposal for the enjoyment of the technical assistance and advisory services of OHCHR;
- Launching of a joint national project in the field of human rights education in collaboration with OHCHR and the Iranian Ministry of Higher Education as the respective national entity;
- Successful implementation of a five-year national joint project with a view to enabling and promoting human rights and national capacity, which is being carried out in collaboration with the United Nations Development Programme (UNDP) office in Tehran, different executive bodies and universities. Convening of different human rights seminars throughout the country, strengthening of human rights departments and faculties at various universities, conducting human rights research and studies as well as other educational programmes have also been incorporated into the project;
- Extension of full cooperation with OHCHR in the successful convening of the sixth meeting on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region as well as the Asian preparatory

meeting for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

- During the period of the project, 20 documents relating to human rights education were translated into Persian. A glossary of human rights also was compiled and published;
- A preparatory workshop was held on 23 August 2004 to inform the key stakeholders of the content and objectives of the project, and its national workshop was held on 5 and 6 September 2004 in Tehran;
- In order to learn more about the experiences of other countries in the area of human rights education, two study tours to the Philippines and India were organized for two different groups of Iranian officials;
- The project was successfully concluded in the first quarter of 2005 by drafting a document examining different aspects of human rights education in the country.

Madame Louise Arbour, the former United Nations High Commissioner for Human Rights, attended the Ministerial Meeting of the Non-Aligned Movement on human rights and cultural diversity, which was held in Tehran on 3 and 4 September 2007. Madame Arbour met with high-ranking Iranian officials and visited centres, including women's prison and the Juvenile Correction and Education Centre, and hailed the outstanding measures taken there.

D. Cooperation with United Nations treaty bodies

The general and periodic reports of the Islamic Republic of Iran to the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination have been submitted in a timely manner and presented and elaborated successfully. Consequently the concluding observations of the respective monitoring treaty bodies have been communicated to the relevant national institutions and governmental entities. With respect to Iran's periodic reports to other international human rights instruments, efforts have been made to extend full and timely cooperation to the respective monitoring treaty bodies.

In addition, it is worth mentioning that a draft of the last scheduled periodic report on the International Covenant on Economic, Social and Cultural Rights has been finalized and is ready for presentation, and that the periodic report on the International Covenant on Civil and Political Rights is presently being drafted.

E. Contribution to international initiatives

The Islamic Republic of Iran has advanced a number of its outstanding experts to serve in different posts within the United Nations human rights mechanisms, including the Working Group on Involuntary Disappearances and the Working Group on Arbitrary Detention. The Islamic Republic of Iran has also supported strengthening and promoting the efforts of the treaty bodies.

In addition, the Islamic Republic of Iran has played an effective and active role in the process of standard-setting for the promotion and protection of human rights within the Organization of the Islamic Conference.

XI. Concluding remarks

In the twenty-first century, uniculturalism and militarism as the two instruments of global hegemony cannot and should not determine human rights considerations. Allowing the new structure to function within the old entrenched perceptions and historical prejudices will impede the international community to make the necessary difference in defending and protecting the rights of the individuals and peoples around the world.

The international human rights machinery should be given the opportunity to adapt itself to the positive dynamics and the determinants of the new era in international relations.

It should also be given the courage and the authority to engage into developing innovative and groundbreaking alternative conceptions and complementary standards, with a view to moving the human rights machinery forward based on justice and spirituality.

The Islamic Republic of Iran is making unprecedented strides into the new historical stage of democracy, prosperity and the rule of law. This is a conclusion that would be naturally drawn by any impartial observer. The Government of the Islamic Republic of Iran has accorded priority to the promotion and protection of human rights and fundamental freedoms and has undertaken all necessary measures to ensure the enjoyment by the Iranian people of all human rights.

The process of reform and evolution in the Islamic Republic of Iran is in fact a genuine product of a dynamic society, and certainly not a product of politically motivated external pressures. It is obvious that no instrument in human rights barometers is stronger than a Government's enthusiasm and commitment to promote and protect the human rights and fundamental freedoms of its citizens.